

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

AirCell, Inc., and)
Plateau Telecommunications Inc.)

Petition for Waiver of the)
Airborne Cellular Rule)

PETITION FOR WAIVER OF THE AIRBORNE CELLULAR RULE

AirCell, Inc. ("AirCell"), and **Plateau Telecommunications Inc.**, hereby petition for a waiver of the airborne cellular rule, 47 C.F.R. § 22.925, for call sign KNKN 598, identical to the waivers that were granted to AirCell and other various cellular licensees commencing December 24, 1998, 1/ and affirmed by the full Commission on June 9, 2000.

2/ This petition is filed pursuant to ¶ 25 of the *AirCell Waiver Order*, as modified

1/ *AirCell, Inc., Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule*, Order, 14 FCC Rcd 806 (Wireless Tel. Bur. 1998) ("AirCell Waiver Order"), recon. granted in part, denied in part, 14 FCC Rcd 18430 (Wireless Tel. Bur. 1999) ("AirCell Recon. Order"); *AirCell, Inc., Pine Belt Cellular, Inc., Tennessee RSA No. 3 Limited Partnership, WESTEX Telecommunications, Inc., XIT Cellular, ETEX Cellular Co., Cellular Network Partnership, and North Alabama Cellular, LLC*, 14 FCC Rcd 13151 (Wireless Tel. Bureau 1999); *AirCell, Inc., ALLTEL Comms., Inc., Kentucky RSA 4 Cellular General Partnership, and Smith Bagley, Inc. d/b/a Cellular One of Northeast Arizona*, 14 FCC Rcd 19684 (Wireless Tel. Bur. 1999); *AirCell, Inc. and Western Wireless Corp.*, 15 FCC Rcd 1639 (Wireless Tel. Bur. 1999); *AirCell, Inc., California RSA No. 3, Limited Partnership, d/b/a Golden State Cellular, and Douglas Telecommunications, Inc.*, Order, DA 00-1606 (released July 19, 2000).

2/ *AirCell, Inc., Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule*, Memorandum Opinion and Order, FCC 00-188

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and clarified by the *AirCell Recon Order*, see also *AirCell Review Order*, ¶ 40.

In support of this waiver petition, AirCell and **Plateau Telecommunications Inc.** submit as follows

(1) **Plateau Telecommunications Inc.** intends to participate in the AirCell system, and to operate with AirCell mobile units on a secondary basis, in precisely the same manner as the licensees that have already received waiver authority, as described in the *AirCell Orders*, and the other AirCell submissions in the record of those proceedings.

(2) **Plateau Telecommunications Inc.** agrees to the terms of the *AirCell Waiver Orders*, including operation of the AirCell mobile units on a secondary basis pursuant to the conditions set forth in the Appendix of the *AirCell Review Order*.


(3) The legal basis for this waiver is identical to that for the *AirCell Orders*.

(4) The special or unique circumstances justifying this waiver are identical to those that justified the *AirCell Orders*.

(5) The public interest benefits justifying this waiver are identical to those that justified the initial *AirCell Orders*.

AirCell and **Plateau Telecommunications Inc.** respectfully request that this waiver petition be granted expeditiously

Respectfully submitted,


AirCell, Inc

VP, Regulatory Affairs
Title


Plateau Telecommunications Inc.

Wireless COO
Title

Dated: November 6, 2003

(released June 9, 2000) ("*AirCell Review Order*"). We hereafter refer to all of the orders cited in notes 1 and 2 as the "*AirCell Orders*."

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